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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,403	05/17/2006	Josef Rainer	RAINERETAL1PCT	5901
25889	7590	09/01/2009	EXAMINER	
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			BROCKMAN, ANGEL T	
			ART UNIT	PAPER NUMBER
			2416	
			MAIL DATE	DELIVERY MODE
			09/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/574,403	RAINER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	ANGEL BROCKMAN	2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 May 2009.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-7 were formerly rejected under 35 USC 103. Pursuant to applicant's amendments, these rejections are maintained.

### ***Claim Rejections - 35 USC § 103***

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osakabe et al.(US 5,448,562 , hereinafter Osakabe) in view of Tanaka et al.(US 5,631,850, hereinafter Tanaka).

Regarding **claim 1**, Osakabe discloses a system for transmitting data in bi-directional bus with at control device (column 13, lines 8-12, where the TV is the control device) comprising a send and receiving unit for data fields combined into a data frame(column 13, lines 19-28, figure 8, column 14, lines 41-60, where the TV transmits a control signal, and the data field is the data frame that comprises more than one field ,figure 15 and receiving is shown in column 17, lines 1-14), and with bus subscribers which comprise an evaluation circuit for reading in and reading out data fields in data frames(column 18, lines 26-35, lines 55-60)where the bus interface circuit is the evaluation circuit, figure 8), with at least the bus subscriber at the bus end opposite of the control device comprising a send device for a data frame (column 13, lines 29- 51, where the bus interface circuit is the send device that carries a transmit signal to the bi-directional bus, figure 8), wherein at least the bus subscriber at the end of the bus comprises a control stage which is activated by a received frame and triggers the send device depending on the receipt of a data frame within the terms of the transmission of a data frame for at least the data fields of the bus subscribers( figure 14, column 19, lines 19-36, where the control is taking place in the microprocessor of the VTR, column 20, lines 21-40, where the VTR sends transmission status information to the TV, lines 40-67). Osakabe does not disclose a serial bus. Tanaka discloses a serial bus (column 10, lines 25-36). Thus, it would have been obvious to the one of ordinary skill in the art at the time of invention to utilize the teachings as disclosed by Osakabe and Tanaka. The serial bus can be implemented in the system of Osakabe through software and hardware

implementation. The motivation for utilizing the serial bus as disclosed by Tanaka in the system of Osakabe is to send and receive commands (column 10, lines 32-33, where both references further support the D2B protocol).

Regarding **claim 2**, Osakabe discloses wherein each of the bus subscribers comprises a control stage for a send device for sending a data frame for the own data fields and the data fields of the bus subscribers which lie between the control device and the respective bus subscribers (column 18, lines 36-41, where the microprocessor is in the bus subscriber the VTR and the control is done in column 17, lines 30-40, where the data fields of the bus subscribers is included in data #9~data #16) .

Regarding **claim 3**, Osakabe discloses the bus subscribers comprise a memory for the position of the data fields within the respective data frame which data fields can be read in and out via the evaluation circuit (figure 8, where the VTR is the subscribers and memory is included in the box 22).

Regarding **claim 4**, Osakabe discloses the control device comprises an allocation stage for the position of the data fields within a data frame which can be allocated to the individual bus subscribers (column 17, lines 33-45, column 22, lines 33-40) and an initialization device for reading out the positional data in data fields of a data frame addressed to the individual bus subscribers(column 18, lines 55-65, column 19, lines 5-35, where the microprocessor includes the initialization of reading out positional data), and that the bus subscribers comprise an initialization circuit for the address-related reading out of the positional data from the addressed data fields of the data frame into the memory for these positional data(column 19, lines 36-67, where the table includes the positional data., column 17, lines 33-40).

Regarding **claim 5**, Osakabe discloses each bus subscriber comprises a test circuit for recognizing a bus subscriber connected to the bus and connected in outgoing circuit with the same (figure 8, where the test circuit includes the bus interface (24) and the microprocessor (22) and includes the TV and VTR(20) and the outgoing circuit includes VTR(20), VTR(30), TV and VDP connected to the bus interface).

Regarding **claim 6**, Osakabe discloses the control device and the bus subscribers each comprise an encoding device (column 17, lines 24-33, where the microprocessor is the encoder) for producing check data from the data frame and that, as is known, the control device and the bus subscribers each comprise a check device for check data received with the data frames (column 19, lines 5-37, where the microprocessor is the check device for the subscribers, and column 20, lines 63- column 21, lines 1-67m where the microprocessor is the check device for the TV).

Regarding **claim 7**, Osakabe discloses the control device comprises an address memory for the addresses of the bus subscribers (figure 8, where the block 12 includes the address memory) and that each bus subscriber comprises a recognition circuit for triggering the evaluation circuit for reading out the data field in the data frame addressed to the bus subscriber on the one hand and for reading in its data field into the data frame on the other hand (column 14, lines 35-61, where the evaluation circuit includes the bus interface and the blocks 12 and 22, column 17, lines 34-63, where the microprocessor includes the recognition circuit in the VTR for reading out the data field, column 20, lines 21-57, column 19, lines 19-33 ).

***Response to Arguments***

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a communication protocol in which a frame is handed over from one bus subscriber to the next bus subscriber) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGEL BROCKMAN whose telephone number is (571)270-5664. The examiner can normally be reached on Monday-Friday ,7:30-5:00pm.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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